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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
	2859

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/940,363	SAKSA, THOMAS A.
	Examiner Amy R Cohen	Art Unit 2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment and RCE filed 16 April 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 12-16, 18-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 12-16, 18-25 and 27-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claims 14 and 22 are objected to because of the following informalities:

Claim 14, lines 6 and 9 and claim 22, lines 6 and 16 “communicated with” should be -- communicating with--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 12-16, 18-25, 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiklof et al. (U. S. Patent No. 5,825,995).

Wiklof et al. teaches a measurement and marking device, comprising: a housing (102); a position sensing assembly (126) mounted in the housing and adapted to sense a position of the housing relative to an object (141) as the housing is moved along a surface of the object (Col 6, lines 6-42); a printhead assembly (110) mounted in the housing and adapted to print (112) on the surface of the object as the housing is moved along the surface of the object (Col 3, lines 55-63); a controller (124) mounted in the housing and communicating with the positional sensing assembly and the printhead assembly, wherein the controller is adapted to operate the printhead assembly to print a mark on the surface of the object based on the position of the housing relative

to the object as the housing is moved along the surface of the object (Col 4, lines 28-45), wherein the housing has a first side (114) adapted to be oriented substantially parallel with the surface of the object as the housing is moved along the surface of the object and includes a first opening (150) formed in the first side and a second opening (113) formed in the first side, wherein the positional sensing assembly communicated with the first side of the housing through the first opening and the printhead assembly communicates with the first side of the housing through the second opening (Fig. 1).

Wiklof et al. teaches the measurement and marking device wherein the positional sensing assembly is adapted to sense a position of the housing relative to a first object and measure a dimension of the first object as the housing is moved along a surface of the first object, wherein the positional sensing assembly is adapted to sense a position of the housing relative to a second object as the housing is moved along a surface of a second object, and wherein the controller is adapted to operate the printhead assembly to print the mark on the surface of the second object based on the dimension pf the first object and the position of the housing relative to the second object as the housing is moved along the surface of the second object (Figs. 15 and 16, Col 6, line 64-Col 7, line 3, and Col 1, line 63-Col 2, line 48).

Wiklof et al. teaches the measurement and marking device comprising: a user interface (137) mounted on the housing (Fig. 1) and communicating with the controller, wherein the user interface includes an input configured for operation by a user of the measurement and marking device (Col 5, lines 19-35 and 50-57), wherein the controller is adapted to record the position of the housing relative to the first object when the input is operated by the user (Col 7, line 65-Col 8, line 10 and Col 13, lines 51-56).

Wiklof et al. teaches the measurement and marking device wherein the controller is adapted to operate the printhead assembly to print the mark on the surface of the second object based on the position of the housing relative to the first object when the input is operated by the user and the position of the housing relative to the second object as the housing is moved along a surface of the second object (Col 6, lines 25-63 and Col 1, line 63-Col 2, line 48).

Wiklof et al. teaches the measurement and marking device whereon the controller is adapted to operate the printhead assembly to print a plurality of markings on the surface of the object at predetermined intervals as the housing is moved along the surface of the object (Col 3, line 64-Col 2, line 13).

Wiklof et al. teaches the measurement and marking device wherein the plurality of markings represent on of standard measurement and scaled measurements (Col 13, lines 21-56).

Wiklof et al. teaches the measurement and marking device wherein the printhead assembly is adapted to print at least one of graphics and text of a surface of the object as the housing is moved along the surface of the object (Col 1, lines 54-66 and Col 4, lines 45-65).

Wiklof et al. teaches the measurement and marking device wherein the position sensing assembly includes a wheel (116) rotatably mounted in the housing (Fig. 3), wherein the wheel is adapted to contact the surface of the object and rotate as the housing is moved along the surface of the object, and wherein the controller is adapted to determine the position of the housing relative to the object based on the rotation of the wheel (Col 6, lines 25-63).

Wiklof et al. teaches the measurement and marking device wherein the positional sensing assembly includes an optical sensor (163) mounted in the housing (Fig. 3), wherein the optical sensor is adapted to sense the surface of the object as the housing is moved along the surface of

the object, and wherein the controller is adapted to determine the position of the housing relative to the object based on the surface of the object (Col 6, lines 25-63).

Wiklof et al. teaches a measurement and marking device wherein the printhead assembly includes a plurality of orifices formed in a front thereof (plurality of printing elements would have a plurality of orifices for the ink to come out), wherein the front face communicates with the first side of the housing (Col 4, lines 1-13).

Wiklof et al. teaches the measurement and marking device comprising a power supply (198) mounted in the housing (Col 7, lines 50-64) wherein the power supply supplies power to the measurement and marking device (Fig. 4).

Wiklof et al. teaches a method of printing a measurement marking on an object, the method comprising the steps of: moving a housing along a surface of the object (Col 17, lines 19-36), including orienting a first side of the housing substantially parallel with the surface of the object (Fig. 1); sensing a position of the housing relative to the object with a positional sensing assembly (126) mounted in the housing and communicated with the first side of the housing through a first opening (150) in the first side of the housing (Col 17, lines 19-36); and printing the measurement marking on the surface of the object with a printhead assembly (110) mounted in the housing a communicated with the first side of the housing through a second opening (113) in the first side of the housing when the position of the housing relative to the object corresponds to a predetermined position (Col 18, lines 1-10).

Wiklof et al. teaches the method wherein the step of printing the measurement marking on the surface of the object includes printing a plurality of measurement markings on the surface of the object at predetermined intervals Col 18, lines 1-10 and lines 25-35).

Wiklof et al. teaches the method wherein printing the plurality of measurement markings includes printing one of a plurality of standard length units and a plurality of scaled length units on the surface of the object (Col 13, lines 21-56 and Col 18, lines 16-24).

Wiklof et al. teaches the method wherein the step of printing the measurement marking on the surface of the object includes printing at least one of graphics and text on the surface of the object (Col 1, lines 54-66 and Col 4, lines 45-65).

Wiklof et al. teaches the method comprising the step of: receiving and storing the predetermined position of the housing for printing the measurement marking at a controller (124) mounted within the housing (Col 4, lines 28-45).

Wiklof et al. teaches the method wherein the step of moving the housing along the surface of the object includes contacting the surface of the object with a wheel (116) rotatably mounted in the housing and rotating the wheel relative to the housing, and wherein the step of sensing the position of the housing includes determining the position of the housing relative to the object based on rotation of the wheel (Col 6, lines 25-63).

Wiklof et al. teaches the method wherein the step of moving the housing along the surface of the object includes sensing the surface of the object with an optical sensor (163) mounted in the housing, and wherein the step of sensing the position of the housing includes determining the position of the housing relative to the object based on the surface of the object (Col 6, lines 25-63).

Wiklof et al. teaches a method of transferring a measurement of a first object to a second object, the method comprising the steps of: moving a housing (102) along a surface of the first object (141), including orienting a first side (114) of the housing substantially parallel with the

surface of the first object (Col 17, lines 19-36); sensing a position of the housing relative to the first object with a positional sensing assembly (126) mounted in the housing and communicated with the first side of the housing through a first opening (150) in the first side of the housing as the housing is moved along the surface of the first object; locating a feature of the first object, including recording the position of the housing at the feature of the first object (Col 17, line 19-Col 18, line 6); moving the housing along a surface of the second object, including orienting the first side of the housing substantially parallel with the surface of the second object (Col 17, lines 19-36 and Col 2, lines 8-29); sensing a position of the housing relative to the second object with the positional sensing assembly as the housing is moved along the surface of the second object (Col 17, line 19-Col 18, line 6 and Col 2, lines 8-29); and printing a mark representing the feature of the first object on the surface of the second object with a printhead assembly (110) mounting in the housing and communicated with the first side of the housing through a second opening (113) in the first side of the housing when the position of the housing relative to the second object coincides with the position of the housing at the feature of the first object (Col 18, lines 7-15 and Col 2, lines 8-29).

Wiklof et al. teaches the method wherein the step of sensing the position of the housing relative to the first object includes measuring a dimension of the first object (Col 17, lines 19-36), wherein the step of locating the feature of the first object includes measuring at least one of a dimension to the feature of the first object and a dimension of the feature of the second object (Col 17, lines 19-36), and wherein the step of printing the mark on the surface of the second object includes printing the mark on the surface of the second object when the position of the housing relative to the second object coincides with the at least one of the dimension to the

feature of the first object and the dimension of the feature of the first object (Col 17, line 19-Col 18, line 15 and Col 2, lines 8-29).

Wiklof et al. teaches the method wherein the step of locating the feature of the first object includes receiving a user input at the position of the housing at the feature of the first object (Col 14, line 58-Col 15, line 20).

Wiklof et al. teaches the method wherein recording the position of the housing at the feature of the first object includes storing the position of the housing at the feature of the first object with the user input in a controller (124) mounted in the housing (Col 16, lines 4-37).

Wiklof et al. teaches the method wherein the step of printing the mark on the surface of the second object includes printing at least one of graphics and text on the surface of the second object (Col 1, lines 54-66 and Col 4, lines 45-65).

Wiklof et al. teaches the method wherein the step of moving the housing along the surface of the first object and the surface of the second object each include contacting the surface of the first object and the surface of the second object with a wheel (116) rotatably mounting in the housing and rotating the wheel (Col 17, lines 10-18 and Col 2, lines 8-29), wherein the steps of sensing the position of the housing relative to the first object and the second object each include determining the position of the housing relative to the first object and the second object based on rotation of the wheel (Col 6, lines 25-63 and Col 2, lines 8-29).

Wiklof et al. teaches the method wherein the steps of moving the housing along the surface of the first object and the surface of the second object each include sensing the surface of the first object and the surface of the second object with an optical sensor (163) mounted in the housing (Col 17, lines 10-18 and Col 2, lines 8-29), and wherein the steps of sensing the position

of the housing relative to the first object and the second object each include determining the position of the housing relative to the first object and the second object based on the surface of the first object and the surface of the second object, respectively (Col 6, lines 25-63 and Col 2, lines 8-29).

Response to Arguments

4. Applicant's arguments with respect to claims 1-9, 12-16, 18-25, 27-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose measurement and marking devices Desormeaux (U. S. Patent No. 6,543,893), Saund (U. S. Patent No. 6,517,266), Desormeaux (U. S. Patent No. 6,312,124), Bobry (U. S. Patent No. 5,988,900), and Sano (U. S. Patent No. 4,899,228).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC
May 5, 2003



Diego Gutierrez
Supervisory Examiner
Tech Center 2800